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IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-THIRD LEGISLATURE

**TWENTY-SIXTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 5, 2016**

Senate Chamber

President Little called the Senate to order at 10:45 a.m.

Roll call showed all members present except Senator Davis, absent and formally excused by the Chair.

Prayer was offered by Father John Worster.

The Pledge of Allegiance was led by Mallory DeFord, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 4, 2016, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 5, 2016

The JUDICIARY AND RULES Committee reports that [S 1253](#), [S 1254](#), [S 1255](#), [S 1256](#), [S 1257](#), [S 1258](#), [S 1259](#), and [S 1260](#) have been correctly printed.

LODGE, Chairman

[S 1253](#), [S 1254](#), [S 1255](#), and [S 1256](#) were referred to the Judiciary and Rules Committee.

[S 1257](#) was referred to the Education Committee.

[S 1258](#), [S 1259](#), and [S 1260](#) were referred to the Agricultural Affairs Committee.

February 4, 2016

The TRANSPORTATION Committee reports out [S 1230](#) with the recommendation that it do pass.

BRACKETT, Chairman

[S 1230](#) was filed for second reading.

February 4, 2016

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1219](#) with the recommendation that it do pass.

PATRICK, Chairman

[S 1219](#) was filed for second reading.

February 4, 2016

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Janice E. Fulkerson to the Idaho Health Insurance Exchange Board, term to expire April 10, 2017.

Todd Lakey to the State Insurance Fund, term to expire December 1, 2016.

PATRICK, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 4, 2016

The FINANCE Committee reports out [H 403](#) with the recommendation that it do pass.

KEOUGH, Chairman

[H 403](#) was filed for second reading.

February 4, 2016

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 348](#), [H 353](#), [H 358](#), and [H 361](#) with the recommendation that they do pass.

SIDDOWAY, Chairman

[H 348](#), [H 353](#), [H 358](#), and [H 361](#) were filed for second reading.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 4, 2016

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Anna Jane "Janie" Dressen of Coeur d'Alene, Idaho, was reappointed as a member of the Commission on Pardons and Parole to serve a term commencing January 1, 2016, and expiring January 1, 2019.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

February 4, 2016

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Cortney C. Dennis of Emmett, Idaho, was appointed as a member of the Commission on Pardons and Parole to serve a term commencing February 4, 2016, and expiring January 1, 2018.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 4, 2016

Dear Mr. President:

I transmit herewith [H 340](#) and [H 387](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 340](#) and [H 387](#) were filed for first reading.

February 4, 2016

Dear Mr. President:

I transmit herewith Enrolled [H 363](#) and [H 364](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 363](#) and [H 364](#) and ordered them returned to the House.

February 4, 2016

Dear Mr. President:

I return herewith Enrolled [S 1199](#) and [S 1200](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1199](#) and [S 1200](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Cindy P. Wilson was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Jordan, seconded by Senator Stennett, the Gubernatorial appointment of Cindy P. Wilson as a member of the State Board of Correction was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that [SCR 132](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Martin, seconded by Senator Lee, [SCR 132](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1261

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO VEHICLES; AMENDING SECTION 49-1010, IDAHO CODE, TO REVISE PROVISIONS REGARDING ALLOWABLE LENGTHS OF CERTAIN VEHICLES AND TO REVISE PROVISIONS REGARDING OVERHANGS AND EXTENSIONS OF LOADS.

S 1262

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE SERVICE CONTRACTS; AMENDING SECTION 49-2802, IDAHO CODE, TO PROVIDE THAT CERTAIN AGREEMENTS SHALL NOT BE CONSIDERED MOTOR VEHICLE SERVICE CONTRACTS OR CONTRACTS OF INSURANCE.

S 1263

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO HIGHWAY TRANSPORTATION PROJECTS; APPROVING BONDING AUTHORITY TO FINANCE CERTAIN HIGHWAY TRANSPORTATION PROJECTS; PROVIDING A DESCRIPTION OF PROJECTS TO BE FINANCED WITH BOND PROCEEDS; LIMITING THE SCOPE OF THE PROJECTS; PROVIDING A REQUIREMENT REGARDING A GARVEE PROGRAM MANAGEMENT SERVICES AGREEMENT; PROVIDING FOR ISSUANCE OF GARVEE BONDS; AND PROVIDING THAT BONDS BE ISSUED WHEN NECESSARY.

S 1264

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO THE IDAHO PHARMACY ACT; AMENDING SECTION 54-1705, IDAHO CODE, TO ADD A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING

SECTION 54-1719, IDAHO CODE, TO CLARIFY THE PHARMACY BOARD'S AUTHORITY OVER DURABLE MEDICAL SUPPLIES; AMENDING SECTION 54-1729, IDAHO CODE, TO ESTABLISH ADDITIONAL REGISTRATION REQUIREMENTS FOR DURABLE MEDICAL EQUIPMENT SUPPLIERS; AMENDING SECTION 37-3201, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-1761, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING SECTION 54-4702, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

S 1265

**BY COMMERCE AND HUMAN RESOURCES
COMMITTEE**

AN ACT

RELATING TO INSURANCE PREMIUM TAX FUNDING FOR THE IDAHO INDIVIDUAL HIGH RISK REINSURANCE POOL; AMENDING SECTION 41-406, IDAHO CODE, TO APPROPRIATE ONE-QUARTER OF THE INSURANCE PREMIUM TAX EXCEEDING FORTY-FIVE MILLION DOLLARS TO THE IDAHO INDIVIDUAL HIGH RISK REINSURANCE POOL; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

S 1266

BY EDUCATION COMMITTEE

AN ACT

RELATING TO LEADERSHIP PREMIUMS; AMENDING SECTION 33-1004J, IDAHO CODE, TO INCREASE THE AMOUNT OF MONEYS DISTRIBUTED TO SCHOOL DISTRICTS FOR LEADERSHIP ACTIVITIES AND TO MAKE A TECHNICAL CORRECTION.

S 1267

BY EDUCATION COMMITTEE

AN ACT

RELATING TO MASTERY-BASED EDUCATION; AMENDING SECTION 33-1630, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 68, LAWS OF 2015, TO REDESIGNATE THE SECTION, TO CLARIFY THE NUMBER OF LOCAL EDUCATION AGENCIES IDENTIFIED FOR A CERTAIN INITIAL COHORT AND TO ALLOW THE STATE DEPARTMENT OF EDUCATION TO EXPEND OR DISTRIBUTE CERTAIN MONEYS.

S 1268

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE COUNCIL ON DEVELOPMENTAL DISABILITIES; AMENDING SECTION 67-6704, IDAHO CODE, TO REVISE PROVISIONS REGARDING COUNCIL MEMBERSHIP AND TO MAKE TECHNICAL CORRECTIONS.

S 1269

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY; AMENDING SECTION 39-107C, IDAHO CODE, TO PROVIDE THAT CERTAIN MONEYS SHALL BE HELD IN THE ENVIRONMENTAL PROTECTION TRUST, TO PROVIDE FOR THE PAYMENT OF COSTS AND EXPENSES, TO REVISE PROVISIONS RELATING TO THE INVESTMENT OF SURPLUS MONEYS AND TO REVISE

PROVISIONS RELATING TO THE PAYMENT OF INTEREST RECEIVED.

[S 1261](#), [S 1262](#), [S 1263](#), [S 1264](#), [S 1265](#), [S 1266](#), [S 1267](#), [S 1268](#), and [S 1269](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 340](#), by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 387](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 384](#), by Appropriations Committee, was read the second time at length and filed for third reading.

[H 344](#), [H 345](#), [H 347](#), and [H 425](#), by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1229](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Keough disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 31.

NAYS—Burgoyne, Jordan, Keough. Total - 3.

Absent and excused—Davis. Total - 1.

Total - 35.

Whereupon the President declared [S 1229](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1233](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schmidt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 34.

NAYS—None.

Absent and excused—Davis. Total - 1.

Total - 35.

Whereupon the President declared [S 1233](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1202](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Martin arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 34.

NAYS—None.

Absent and excused—Davis. Total - 1.

Total - 35.

Whereupon the President declared [S 1202](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1208](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Buckner-Webb arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 34.

NAYS—None.

Absent and excused—Davis. Total - 1.

Total - 35.

Whereupon the President declared [S 1208](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1211](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schmidt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nuxoll, Patrick, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 32.

NAYS—Rice. Total - 1.

Absent and excused—Davis, Nonini. Total - 2.

Total - 35.

Whereupon the President declared [S 1211](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Winder, granted by unanimous consent, [H 425](#) was placed at the head of the Third Reading Calendar, followed by remaining bills.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Winder, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:55 a.m. until the hour of 11 a.m., Monday, February 8, 2016.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary